

Application Serial No.: 09/899,154
Amendment dated November 13, 2003
Reply to Office Action dated August 13, 2003

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 5-16 are presently active in this case, Claim 1 having been amended by way of the present Amendment. Claims 2-4 have been canceled without prejudice or disclaimer. Claims 5-16 are currently withdrawn from consideration.

In the outstanding Official Action, Claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by Kotylak (U.S. Patent No. 5,769,536). For the reasons discussed below, the Applicant requests the withdrawal of the anticipatory rejection.

In the Office Action, the Kotylak reference is indicated as anticipating each of Claims 1-4. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Kotylak reference clearly does not meet each and every limitation of the independent Claim 1.

Claim 1 has been amended to include the subject matter of original Claim 4. Claim 1 currently recites a method for driving an emptying of an induction unit with which an agricultural sprayer is equipped, where the emptying is driven by a user acting with a lower limb on a drive element. The method also comprises the steps of emptying the induction unit when the user acts on the drive element, and stopping the emptying of the induction unit when the user stops acting on the drive element. The Applicant submits that the Kotylak reference does not disclose all of the limitations recited in Claim 1.

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The Kotylak reference describes a device including a container (11), a first valve (12), and a second valve (13). The device is used to dilute a product that is initially contained in a container (77). To do this, the user pours the contents of the container (77) into the container (11). Then, using the valves (12 and 13), the user creates water circulation in order to dilute the product prior to sending it into the sprayer tank (102) of an agricultural sprayer. This device also includes an electric pump (70) whose operation is controlled by a pedal (80). This electric pump (70) sends water along an inlet line (71) and an outlet line (73) into the container (77), when the latter is empty, in order to rinse it (column 6, lines 40 through 47).

This pedal (80) therefore does not control the emptying of the container (11). Indeed, in order to empty the container (11) and send the diluted product into the sprayer tank (102), the user must manually activate the valves (12 and 13) (see column 6, lines 30 through 38). Thus, the Kotylak reference does not teach a method for driving an emptying of an induction unit with which an agricultural sprayer is equipped, where the emptying is driven by a user acting with a lower limb on a drive element, including the steps of emptying the induction unit when the user acts on the drive element, and stopping the emptying of the induction unit when the user stops acting on the drive element, as recited in Claim 1 of the present application.

Thus, the Applicant respectfully submits that the Kotylak reference does not anticipate Claim 1 of the present application.

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,714,572 in view of Maples (U.S. Patent No. 3,982,697). For the reasons discussed below, the Applicant respectfully requests the withdrawal of the obviousness rejection.

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The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations.

The Applicant submits that a *prima facie* case of obviousness cannot be established in the present case because the references, either taken singularly or in combination, do not teach or suggest all of the claim limitations.

The FR 2,714,572 reference describes an incorporator, the emptying of which is conducted by means of a manually controlled valve. Furthermore, the Maples reference describes a device wherein the liquid is allowed to flow (or is prevented from flowing) to the spraying nozzle (128) by a shut-off valve (112). The shut-off valve (112) may be controlled using a pedal.

Nevertheless, the newly introduced characteristics in Claim 1 are not disclosed by the Maples reference. In fact, the Maples reference gives no indication as to how the pedal operates. So it is impossible for the expert to deduce the step of stopping the emptying of the incorporator when the user stops activating the pedal. This characteristic is important in our invention because it prevents the user from forgetting to close this valve after the emptying.

Claim 1 recites the steps of *emptying the induction unit when the user acts on the drive element, and stopping the emptying of the induction unit when the user stops acting on the drive element*. In the Maples reference, there is no such teaching of an emptying when

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the user acts and a stopping of the emptying when the user stops acting on the pedal (80).

Accordingly, a *prima facie* case of obviousness cannot be established with respect to Claim 1 base don the combined teachings of the FR 2,714,572 reference and the Maples reference.

Accordingly, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 1.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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